

12.600 PRISONERS: SECURING, HANDLING, AND TRANSPORTING

References:

Procedure 12.545 - Use of Force
 Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Procedure 12.610 - Prisoners: Guarding Hospitalized
 Procedure 12.900 - Processing Juvenile Offenders
 Procedure 18.120 - Standards for Releasing Information to the News Media
 Cincinnati Police Academy Training Bulletin #2003-1 – Sudden Custody Deaths and Positional Asphyxia
 Ohio Revised Code 2933.32 - Body Cavity and Strip Searches; Conducting Unauthorized Search; Failure to Prepare Proper Report

Definitions:

Body Cavity Search - an inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any manner while the person is detained or arrested for a criminal or traffic offense.

Strip Search - an inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing directly covering the person's genitalia, buttocks, breasts, or undergarments and that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any manner while the person is detained or arrested for a criminal or traffic offense.

Policy:

Arresting officers who suspect a prisoner of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death will immediately request a supervisor and the Cincinnati Fire Department respond to the scene.

Arresting officers must maintain control of prisoners until relieved by a supervisor, Hamilton County Sheriff's Office employee, or other law enforcement agency.

Immediately notify a supervisor when prisoners have visible or claimed injuries, or when any Hamilton County detention facility refuses admission.

Investigating supervisors will ensure all officers who witnessed a use of force or injury to prisoner provide a statement regarding the incident. Refer to Procedure 12.545, Use of Force, to determine if the statement is required to be tape recorded. The investigating supervisor will ensure all use of force and injury to prisoner reports identify all officers who were involved in the incident or on the scene when it occurred. The investigating supervisor will ensure all use of force and injury to prisoner reports indicate whether medical care was provided, and whether the subject refused medical treatment.

Arresting officers are responsible for minor and adult dependents of physically arrested persons. Physically or mentally impaired adults are examples of adult dependents. Arrested persons can advise with whom they want their dependents placed. Record the location of minor or adult dependents in the district/unit blotter.

Call the Hamilton County Department of Job and Family Services when unable to place dependents with responsible adults.

For minors, call 241-KIDS.

For dependents 60 and over, call 421-LIFE.

The transporting officer has a duty of care to protect the prisoner from injury. Officers transporting prisoners will not become involved in any other activity unless there is a clear and grave risk to a third party and the risk to the prisoner is minimal. Officers should always be aware of intentional diversions that may be used to free a prisoner.

When transporting prisoners to another agency, the transporting officer will notify that agency when the prisoner is considered an unusual security risk. The transporting officer may request the receiving agency provide additional restraints or officers.

Prisoners are only allowed to communicate with a physician, attorney, or immediate family member with approval of arresting officer.

Information:

The following factors place an individual at a higher risk for positional asphyxia:

- Cocaine induced delirium – a side effect suffered by some cocaine users characterized by disorientation, hallucinations, and an increased heart rate.
- Other drug/alcohol use – intoxication may reduce respiratory function.
- Physical build – obesity can increase an individual's risk.
- Environment – extreme temperatures increase risk.
- Underlying health problems – asthma, emphysema, and heart disease.
- Involvement in a struggle lasting longer than three minutes.
- Pressure applied to back during arrest.
- Suspect position – suspects on their stomach, particularly on a hard surface, are at increased risk.

Procedure:**A. Handcuffing**

1. When possible, handcuff all prisoners with their hands behind their back. Apply handcuffs between the hand and protruding wrist bone with the prisoner's palms facing out and the keyholes facing up.
 - a. Apply handcuffs directly over the skin. Never apply them over clothing or jewelry. They should be reasonably snug and double locked.
2. Do not leave handcuffed individuals prone on the ground. Once individuals are under control immediately move them to a seated position as soon as possible.
3. When necessary, handcuff physically handicapped, injured, or pregnant prisoners in front.
 - a. Two officers will transport a prisoner handcuffed in front of the body.
4. When handcuffing two prisoners together, use the right wrist to right wrist or left wrist to left wrist method.
 - a. Do not handcuff male prisoners to female prisoners or adults to juveniles except in emergency arrest situations.
5. Remove handcuffed persons from public view as soon as possible.
6. For officer safety, it may be necessary to temporarily handcuff citable persons or persons under investigation.
7. On a case by case basis, officers are permitted to temporarily remove handcuffs from arrested persons for various reasons:
 - a. Seriously injured and requiring medical treatment.
 - b. Interviewing and processing (fingerprints/OVI arrests).
 - 1) Prisoners will be thoroughly searched prior to removing handcuffs.
 - 2) Two officers will remain with unhandcuffed prisoner(s).
8. When transferring a prisoner from one set of handcuffs to another, keep the original handcuffs on the prisoner. Place the second set of handcuffs on the prisoner underneath the first pair, ensuring handcuff keyholes are accessible.

B. Prisoner Searches

1. Thoroughly search all handcuffed prisoners from the rear.
2. Transporting officer(s) will conduct a separate and additional search of prisoners coming into their custody.
3. Whenever possible, use female officers to search female prisoners and male officers to search male prisoners.
 - a. If necessary, handcuff opposite sex prisoners and watch them until an officer of the same sex arrives to complete a detailed search.
 - b. When opposite sex searches must occur, limit the search to finding weapons.
 - 1) Use the blade edge of the hand.
 - 2) Retrieve weapons immediately from any body area when there is immediate danger.
4. Strip searches and body cavity searches:
 - a. Perform a strip or body cavity search only when there is probable cause to believe the prisoner is concealing evidence, contraband, or weapons.
 - b. A supervisor must approve and sign a Form 602, Search Authorization, before:
 - 1) A police officer conducts a strip search.
 - 2) A search warrant for a body cavity search is sought.
 - c. Only officers of the same sex will conduct strip searches.
 - d. Only one officer will conduct a strip search.
 - 1) Have an officer just outside the view of the search in case the searching officer needs help.
 - 2) The officer conducting the search will not, under any circumstances, insert their finger or any other instrument into a prisoner's orifice during the strip search.
 - 3) If, while conducting a strip search, the officer visually observes what is believed to be contraband partially protruding from the prisoner's orifice (vagina or anal cavity), the officer will request the prisoner to remove the object.
 - 4) If the prisoner refuses to remove the object, the officer will not attempt to remove it. A body cavity search warrant will be required to recover the contraband.

- 5) The officer who observed the contraband in a prisoner's orifice should immediately end the strip search and follow the guidelines for obtaining a body cavity search warrant.
- e. After getting a search warrant for a body cavity search, respond to University Hospital to conduct the actual search.
- 1) University Hospital's policy is to perform a body cavity search or stomach pumping only for medical reasons with the patient's consent. The hospital will give the recovered evidence to the police.
 - 2) A doctor, registered nurse, or practical nurse licensed by the State of Ohio must perform the body cavity search. No one is permitted to witness the search.
 - 3) If the prisoner refuses to allow a medical professional to conduct the body cavity search in accordance with the search warrant, the officer will:
 - a) Notify a supervisor.
 - b) List the medical professional on the Form 527, Arrest and Investigation, as a witness to the presence of the contraband if they saw it.
 - 4) A person suspected of having contraband in an orifice will not be accepted at a detention facility. A supervisor will contact the Duty Officer or Night Chief for further instructions.
 - 5) If the prisoner consents and the medical professional refuses to conduct the body cavity search, a supervisor will notify the Duty Officer or Night Chief for further instructions.
- f. After transporting prisoners to the Hamilton County Justice Center (HCJC), officers will advise the Hamilton County Sheriff's deputies when they believe a prisoner is concealing contraband.
- 1) Hamilton County Sheriff's deputies maintain a list of offenses for which they routinely conduct strip searches.
 - 2) Department personnel must have an approved Form 602 prior to requesting sheriff's deputies to conduct a strip search.
- g. Officers transporting prisoners to the Hamilton County Juvenile Court Youth Center (HCJCYC) will not attempt to conduct a strip search within that facility.
- 1) After transporting prisoners to HCJCYC, officers will advise the detention facility employee when they suspect a prisoner is concealing contraband in an orifice or other areas of the genitalia.

- 2) The detention facility employee will notify the Supervisor on Duty (SOD), who will respond and make the final decision whether to conduct a strip search of the prisoner.
 - a) The officer must be able to adequately articulate probable cause to justify a strip search.
- 3) If the SOD refuses to authorize a requested strip search, the requesting officer will advise a supervisor, who will evaluate the circumstances and complete a Form 17 Incident Report if the refusal is believed to be unwarranted.
 - a) The SOD is required to complete an Incident Report to the HCJCYC facility superintendent whenever they refuse to conduct a requested strip search.
- h. After strip or body cavity searches, the officer who conducted the strip search or authorized the body cavity search must give the person searched a completed copy of the Form 602.
- i. Immediately forward the original Form 602 to the Police Chief.
 - 1) Inspections Section files the original.
 - 2) The originating unit files a copy.
5. Persons in custody suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death, i.e., drugs, poison, etc.
 - a. Immediately request a supervisor and Cincinnati Fire Department (CFD) respond to the scene. If necessary CFD will transport the suspect for immediate medical treatment. If CFD requests the Police Department transport, the following guidelines apply:
 - 1) Immediately transport any subject 13 years of age and older, suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death to University Hospital.
 - a) University Hospital's policy is to perform a body cavity search or stomach pumping only for medical reasons with the patient's consent. The hospital will give the recovered evidence to the police.
 - b) If unable to gain consent, a supervisor will determine the proper course of action.
 - 2) Immediately transport any subject 12 years of age and under, suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death to Children's Hospital.

- a) Children's Hospital's policy is to perform stomach pumping only for medical reasons with or without parental consent. The hospital will give the recovered evidence to the police.
 - b. The responding supervisor will conduct a thorough investigation of the incident and complete a Form 18I, Injury to Prisoner, for the ingestion.
- C. Holding/Interviewing Prisoners in Police Facilities
 - 1. Do not use police facilities as jails or holding cells.
 - a. Use interviewing rooms for processing and interviewing persons or prisoners on official police business.
 - 1) Never leave prisoners alone.
 - 2. The district/section/unit officer in charge (OIC) and desk personnel will remain informed about prisoners in their station. They will:
 - a. Provide pertinent information when answering phone calls about prisoners in custody, or previously in custody.
 - 1) Refer to Procedure 18.120, Release of Information and Public Records, for guidelines in releasing prisoner information to the public.
 - 2) When callers need more information, refer them to HCJC Intake or the HCJCYC.
- D. Prisoner Transporting
 - 1. All prisoners subject to physical arrest will be transported to the appropriate facility.
 - a. When transporting a prisoner, the MVR/DVR will be activated for recording purposes. The camera will be turned to face the rear seat to record the prisoner's actions for the entire transport. With the digital DVR system, to activate the recording capabilities inside of a police car, one of the two Sure Talk microphones must be removed from the docking station and placed in an appropriate area inside the driver's compartment of the vehicle. The microphone must be manually activated by pressing the ACT button to record audio transmissions during the transport process.
 - b. Use the transport command (TR) on the MDT and enter the location to where the prisoner is being transported in brackets []

not parentheses (), and enter the starting mileage when beginning transport. Upon arrival, use the transport complete command (TRC), and enter the ending mileage.

Example: TR [HCJC], start mileage 12345
TRC, end mileage 12348

- c. Receive permission from a supervisor before transporting a prisoner to any hospital or other non-police facility.
- d. Arresting officers involved in a use of force, other than the use of chemical irritant or the deployment of the X26 Taser, will not transport a prisoner who is the subject of the use of force.
 - 1) Officers may remove a prisoner to a safe location to prevent an escalation of the incident. Neutral officers will respond and transport the prisoner.
2. When arresting officers cannot transport their own prisoner, they must provide transporting officers the completed paperwork or at least the minimum following information:
 - a. Name, badge number, and unit of the arresting officer.
 - b. Specific charge(s) placed against the prisoner.
3. When possible, two officers will transport a prisoner who is incapacitated from intoxication or injury to prevent falls or additional injury.
4. Two officers will transport a prisoner on a stretcher. The second officer will ride in the rear to monitor the prisoner and to give or summon medical aid if necessary.
 - a. Whenever possible, officers will place the prisoner on their back to avoid positional asphyxiation and/or cocaine psychosis.
5. Never leave a prisoner unattended inside a vehicle.
6. Search seating areas of transporting vehicles before and after each prisoner transport.
7. Use marked police vehicles equipped with screens.
 - a. In vehicles with security screens, transport a single prisoner on the right side of the rear seat.
 - b. Use the seat belt and lap restraint bar whenever possible.
 - c. Engage the rear door and window locking system on vehicles having this option.
 - d. Secure sliding partition in vehicles equipped with Plexiglas.

8. One officer may transport two prisoners provided the vehicle is equipped with a security screen and both prisoners are secured in the rear seat with seat belts.
 - a. No more than two prisoners will be transported in any one Department vehicle, with the exception of the Personnel Transport Van stored at District One.
9. Officers will not transport prisoners in a vehicle without a screen.
 - a. Under exigent circumstances a supervisor may approve the transport of a prisoner in a vehicle without a screen.
 - 1) When transporting in vehicles without screens, use two officers. The second officer sits in the rear seat behind the driver with the prisoner to their right.
10. Personnel Transport Van
 - a. Districts/sections/units can borrow the Personnel Transport Van parked in the 14th Street lot behind District One.
 - 1) Request the keys from a District One shift supervisor.
 - 2) Make a blotter entry at District One showing the:
 - a) Operating officer and unit of assignment.
 - b) Date, time, and expected return.
 - c) Reason for using the vehicle.
 - b. Notify the HCJC when expecting physical arrests numbering 20 or more.
11. Hamilton County Sheriff's Patrol Wagon
 - a. Request the Hamilton County Sheriff's Patrol Wagon in advance when expecting numerous physical arrests at planned events.
 - 1) Call the HCJC Intake supervisor to request the wagon.
12. Upon arrival at the appropriate detention facility, officers will:
 - a. Secure their firearms in the provided lock box or the trunk of the police vehicle.
 - b. Remove restraining devices from prisoners inside the detention facility.
 - c. Deliver all applicable arrest forms to the receiving officer.
 - d. Obtain a signature for receipt of the prisoner.

E. Handling or Transferring Prisoners of Other Local Police Agencies

1. Officers will verify the identity of a prisoner accepted from another agency prior to transporting the prisoner to a detention facility.
 - a. Compare the other agency's paperwork with the identification and information (name, address, DOB, Social Security number, etc.) provided by the prisoner.
 - b. Officers will ensure that all necessary paperwork accompanies the prisoner.
 - c. Officers should note on the Form 527 any known or suspected escape or suicidal tendencies and notify the detention facility.
2. When arresting an individual on a warrant issued by another local police agency, the officer will:
 - a. Cite according to Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders, completing a Form 314, Notice to Appear, if the warrant was issued by a Hamilton County jurisdiction, except Mayor's Court, and does not require a physical arrest.
 - b. Immediately arrange to transfer the prisoner into that agency's custody if the warrant is for Mayor's Court.
 - c. Transport to the HCJC Intake if the warrant is not citable.
 - d. When an officer makes an original physical arrest and the individual has an outstanding warrant from another jurisdiction, list the information on a Form 527 and contact the appropriate jurisdiction to send a holder to Intake.
 - e. When arresting an individual on a warrant issued by an adjoining county, with no original charges from our department, immediately arrange to transfer the prisoner into that agency's custody.
 - 1) Contact the agency by phone to confirm the time and place of transfer. If possible, arrange to meet in the field.
 - 2) When bringing a prisoner into a Cincinnati Police facility to wait for the other agency, remain with the prisoner until the other agency takes custody or until relieved by a supervisor.

F. Prisoner Injuries

1. Officers will document prisoner injuries occurring before police control on a Form 527.
2. Per Procedure 12.545, Use of Force, a supervisor will complete a Form 18I, Injury to Prisoner, when a prisoner is injured, not the result of force, while under or just prior to police control.

G. Hospitalized Prisoners

1. If not citable, complete a Form 527. Include in the "Facts" section:
 - a. The name of the hospital.
 - b. A brief description of the injury, illness, or mental condition.
 - c. A complete description of the prisoner's clothing, and anything else to help identify or locate the subject in case of escape.
2. When a prisoner is hospitalized at University Hospital:
 - a. Notify the University of Cincinnati (UC) Police.
 - 1) Complete holder forms when requested by UC Police.
 - 2) Write the phone number of Police Communications Section (PCS) on hospital holder forms and the yellow copy of Form 527.
 - 3) Ask UC Police to notify PCS before discharging the prisoner.
 - b. Staple the yellow copy of Form 527 to the top copy of the holder form and request UC Police keep the paperwork with the prisoner for the next transporting officer. Hospital holder forms stay at the hospital.
 - c. Refer to Procedure 12.610, Prisoners: Guarding Hospitalized, for guidelines in guarding prisoners at University Hospital.
3. When a prisoner is hospitalized at any other hospital:
 - a. Notify hospital security.
 - b. Request hospital security keep the yellow copy of Form 527 with the prisoner for the next transporting officer.
 - c. Write the phone number of PCS on the yellow copy of Form 527.
 - d. Ask hospital security to notify PCS before discharging the prisoner.
4. Processing the Form 527, Arrest Report

- a. During normal business hours – Monday through Friday from 0730 to 1700 hours, immediately deliver the Form 527 and complaints/warrants to the Records Section, City Hall, 801 Plum Street, Room 328.
 - 1) Records Section will immediately enter the arrest information into the computer, placing the case on the next available court docket.
 - a) Officers will remain at the Records Section until the arrest information is entered. Officers will then hand deliver the completed forms to the Hamilton County Clerk's Office.
 - b. For all other times (Monday through Friday from 1700 to 0730 hours, weekends, and holidays) immediately deliver the Form 527 and complaint/warrants to the Hamilton County Justice Center (HCJC) Intake.
 - 1) HCJC will make a computer entry of the hospitalized prisoner case information, placing it on the next available court docket.
 - a) HCJC will deliver completed forms to the Hamilton County Clerk's Office.
 - c. For juvenile prisoners, immediately deliver the Form 527 and complaints/warrants to the Juvenile Court Clerk's Office, 2020 Auburn Avenue.
5. Prisoner released from a hospital.
- a. If the prisoner was admitted, PCS will dispatch a uniformed unit from the district where the hospital is located.
 - b. If the prisoner was treated at the emergency room but not admitted, PCS will dispatch a uniformed unit from the arresting officer's district/section/unit.
 - c. Transporting officers will:
 - 1) Contact hospital security to get the yellow copy of the original Form 527.
 - 2) Query the prisoner through RCIC/NCIC.
 - 3) Contact the Hamilton County Clerk's Office to check for any new charges filed on the prisoner.
 - 4) Contact the Central Warrant Processing Unit (CWPU) to determine if the court issued a capias on the prisoner.
 - a) If a capias was issued for the original charge, complete a new Form 527.

- b) Attach the yellow copy of the old Form 527 to the new Form 527.
- 5) Unless the prisoner has a capias, the only paperwork needed for transportation is the yellow copy of the original Form 527.
- 6) Handcuff, search, and transport a hospitalized prisoner the same as original arrests.

H. Prisoner Escapes

- 1. Immediately notify PCS.
- 2. PCS will make an all county broadcast (ACB) and include the following information:
 - a. A complete description of the prisoner.
 - b. Method and direction of travel if known.
 - c. Offense the subject was in custody for.
 - d. Prisoner's home address or other possible destination.
 - e. Any other pertinent information.
- 3. Notify a supervisor.
- 4. The investigating supervisor will notify the involved district/section/unit OIC. Notify the Night Chief if during working hours.
- 5. The OIC of the involved district/section/unit will submit a Form 17 to the Police Chief detailing the circumstances of all prisoner escapes and attempts.
- 6. File appropriate charges against the escapee.

I. Transporting Sick, Injured, or Disabled Prisoners

- 1. Sick or injured prisoners.
 - a. If a prisoner becomes sick or injured subsequent to arrest, officers will immediately seek medical attention.
 - b. Prisoners will remain handcuffed if possible.
 - c. If possible, transport the prisoner to University Hospital and notify a supervisor. If the prisoner is 12 years of age and under, transport to Children's Hospital.
 - d. If the illness or injury requires EMT or paramedics, summon the Fire Department to render aid and transport the prisoner to the hospital.

- 1) Notify a supervisor and another unit if the transporting unit is one-person.
 - 2) One officer will remain with the prisoner while the other responds to the hospital in non-emergency status.
2. Transporting physically and mentally disabled prisoners
 - a. Officers will transport a physically or mentally disabled prisoner using a vehicle appropriate for providing the necessary care for the prisoner.
 - b. If a patrol vehicle is not appropriate consider using the following:
 - 1) Scout car.
 - 2) Prisoner van.